

Message Text

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43

ACTION L-03

INFO OCT-01 EUR-12 ISO-00 PM-04 NSC-05 SP-02 SS-15 CIAE-00

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FM AMEMBASSY MADRID

TO SECSTATE WASHDC 6892

UNCLAS MADRID 6484

FOR THE ASSISTANT LEGAL ADVISER FOR TREATY AFFAIRS

E.O. 11652: N/A

TAGS: PFOR, MARR, SP

SUCJECT: TREATY OF FRIENDSHIP AND COOPERATION--PROCEDURAL ANNEXES

11 AND 12 RELATING TO POL ARRANGEMENTS TO THE AGREEMENT

IN IMPLEMENTATION

1. JUSMG/MAAG HAS TRANSMITTED BY SEPTTEL TO DEPARTMENT AND OTHER ADDRESSEES THE TEXT OF A DRAFT OF PROCEDURAL ANNEXES 11 AND 12 WHICH REFLECTS VIEWS OF BOTH THE U.S. AIR FORCE AND THE UNITED STATES NAVY. IT IS OUR INTENTION, IN ACCORDANCE WITH THE PROVISIONS OF US NOTE NO. 69 OF JANUARY 24, 1976 (A PART OF THE TREATY) TO PRESENT THIS DRAFT INITIALLY IN THE MIXED TECHNICAL COMMISSION ESTABLISHED BY PROCEDURAL ANNEX 11 OF THE 1970 AGREEMENT.

2. THIS COMMISSION IS TASKED BY THE NOTE WITH "PROPOSING THE PLANS NECESSARY FOR THE POSSIBLE EVENTUAL TRANSFER OF RESPONSIBILITY TO THE SPANISH GOVT FOR THE OPERATION AND MAINTENANCE OF ALL OR PART OF THE PETROLEUM PRODUCTS PIPELINE AND ASSOCIATED STORAGE FACILITIES AT PRESENT OPERATED BY UNITED STATES FORCES WITH A VIEW TO DEVELOPING NEW PROCEDURAL ANNEXES 11 AND 12, AND IF APPROPRIATE, TO TRANS-
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FERRING FACILITIES WHICH MAY BE AFFECTED." PRESUMABLY

THE PRODUCT OF THE COMMISSION'S LABORS WOULD THEN BE A SUBJECT FOR FORMAL NEGOTIATION BETWEEN OUR TWO GOVERNMENTS.

3. THE NOTE ALSO PROVIDES FOR ESTABLISHING A SEPARATE COMMISSION TO STUDY PLANS FOR A POSSIBLE TRANSFER OF NAVAL FUEL STORAGE TANKS AT ROTA, CARTAGENA AND FERROL. PRELIMINARY DISCUSSIONS HAVE ALREADY TAKEN PLACE ON A NAVY-TO-NAVY BASIS AND PROVISIONS ARE INCORPORATED INTO THE US DRAFT FOR THE NEW PRO-CEDURAL ANNEXES. THUS IT APPEARS NO SEPARATE COMMISSION WILL IN FACT BE ESTABLISHED.

4. IT WOULD BE OUR INTENTION, BECAUSE OF THE IMPORTANCE OF THIS MATTER, TO ASK THE CHIEF JUSMG HIMSELF TO REPRESENT US IN THE MEETINGS OF THE MIXED TECHNICAL COMMISSION.

5. THE QUESTION ARISES AS TO THE REQUIREMENT AT THIS POINT FOR CIRCULAR 175 AUTHORITY. ALTHOUGH THE FORMAL NEGOTIATION WILL ONLY COME LATER, IN EFFECT THE TEXT WILL PROBABLY BE NEGOTIATED BY THE MIXED TECHNICAL COMMISSION. WE WOULD APPRECIATE EARLY ADVICE.
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